

Applicant: George Steve Saloka  
Serial No.: 09/682,770  
Attorney Docket No.: 200-1264

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**REMARKS**

Claims 1-20 are pending herein.

Claims 8-20 are withdrawn from consideration.

Claims 1-7 are rejected.

**Claim Construction**

Claims 4-7 were construed such that "operating attribute" is the same as the "measured vehicle operating attribute".

It will be noted that each of claims 4-7 has been amended to recite the phrase, "vehicle operating attribute" rather than "operating attribute" to clarify that a measured vehicle operating attribute is contemplated.

**Claim Rejections under 35 U.S.C. 102**

Claims 1, 2, 4 and 7 were rejected under 35 U.S.C. 102(e) as being anticipated by PGPub 2002/0039672 to Aramaki.

It will be noted that claim 1, from which claims 2, 4 and 7 depend, has been amended.

It is respectfully submitted that Aramaki fails to anticipate claims 1, 2, 4 and 7 since Aramaki fails to disclose "A system...comprising: an air compressor; a source of fuel; and a conduit system which is communicatively coupled to and receives compressed air from said air compressor and is provided in thermal contact with fuel from said source of fuel, which

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conduit system is...effective to heat said fuel cell and to heat said fuel before said fuel is communicated to said fuel cell", as set forth in amended claim 1 and defined by claims 2, 4 and 7 as directly or indirectly dependent from amended claim 1.

Therefore, it is respectfully submitted that Aramaki fails to anticipate claims 1, 2, 4 and 7 under 35 U.S.C. 102(e). Reconsideration and allowance of claims 1, 2, 4 and 7 is therefore respectfully solicited.

#### **Claim Rejections under 35 U.S.C. 103**

Claims 5 and 6 were rejected under 35 U.S.C. 103(a) as being unpatentable over PGPub 2003/0049504 to Wheat, et al.

It will be noted that claims 5 and 6 depend indirectly from amended claim 1, and therefore, include all of the limitations of amended claim 1. It is respectfully submitted that Wheat et al. fails to teach or suggest a system in which compressed air is used to preheat a fuel prior to distribution of the fuel to a fuel cell, as recited in amended claim 1 and defined by claims 5 and 6 as dependent from amended claim 1.

Therefore, it is respectfully submitted that Wheat et al. fails to render claims 5 and 6 obvious within the contemplation of 35 U.S.C. 103. Reconsideration and allowance of claims 5 and 6 is therefore respectfully solicited.

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### **Allowable Subject Matter**

In the Office action, under the section heading, "Allowable Subject Matter", it was stated, "With respect to claim 3, the prior art of record apparently fails to contemplate a system that relies on the incoming air to preheat the hydrogen, rather the prior art apparently relies on the exhaust stream to preheat the fuel stream".


It will be noted that former dependent claim 3 has been rewritten in independent form to include all of the limitations of base claim 1 and of intervening claim 2.

Therefore, it is respectfully submitted that the prior art of record fails to disclose or teach or suggest the limitations of claim 3, according to the indication of allowable subject matter set forth in the Office action. Reconsideration and allowance of claim 3 is therefore respectfully solicited.

### *Conclusion*

Every effort has been made to amend applicant's claims in order to define the invention in the scope to which it is entitled. Accordingly, reconsideration and allowance of claims 1-7 is respectfully solicited.

Respectfully submitted,



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